

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 26, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 233, HB 256, HB 353, HB 322, HB 397, 1/22/2007

Executive Action: HB 287, HB 384, HB 322, HB 162

HEARING ON HB 233

Opening Statement by Sponsor:

00:01:15 Rep. Bob Lake (R), HD 88, opened the hearing on HB 233,
Restrict cell phone use in driving in certain areas.

[EXHIBIT\(juh18a01\)](#)

Proponents' Testimony:

00:06:29 Larry Straight, Attorney

00:13:21 Mike Tooley, Lt. Colonel Montana Highway Patrol,
Department of Justice

Opponents' Testimony:

00:15:10 Margaret Morgan, Alltel

00:20:10 Bob Gilbert, Montana Tow Truck Association, Montana
School Bus Contractors Association

00:22:03 Jim Kembel, Montana Association of Chiefs of Police

00:22:44 Amy Grmoljez, Verizon Wireless

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:39 Rep. Gallik

00:26:00 Ms. Morgan

00:26:10 Rep. Ward

00:26:34 Lt. Col. Tooley

00:27:04 Rep. Everett

00:27:33 Rep. Lake

00:27:49 Rep. McGillvray

00:28:07 Rep. Lake

00:30:44 Rep. O'Hara

00:31:07 Rep. Lake

00:32:37 Rep. Kottel

00:33:48 Rep. Lake

00:37:51 Rep. Koopman

00:40:17 Lt. Col. Tooley

00:45:05 Rep. Ebinger

00:45:59 Rep. Lake

00:47:13 Rep. Peterson

00:49:26 Rep. Lake

00:52:49 Rep. Rice

00:53:23 Lt. Col. Tooley

Closing by Sponsor:

00:54:29 Rep. Lake

HEARING ON HB 256

Opening Statement by Sponsor:

00:56:59 Rep. Bob lake (R), HD 88, opened the hearing on HB 256,
Revise realty laws regarding tenancies in common.

Proponents' Testimony:

01:01:05 Jeff Warr, Attorney
01:09:05 Al Mancel, President, National Association of Realtors
01:16:48 Glen Oppel, Montana Association of Realtors
01:18:05 Colin Bangs, President, Political Affairs Committee,
Montana Association of Realtors
01:20:45 Mark Macek, Commercial Real Estate Broker, Great Falls
01:24:36 Fred Rogers, Real Estate Broker, Billings

Opponents' Testimony:

01:26:15 Patricia DelRosso, Inland Real Estate Exchange,
President, Tenant in Common Association
01:44:13 Rick Ahhmann, Montana Association of Realtors, Tenant
in Common Association, Realtor/Broker, Securities
License Holder, Helena
01:48:10 Justin Todd, Sunny/Todd Real Estate, Securities
License Holder, Big Timber
01:49:28 Ray Peterson, Certified Public Accountant, Anderson,
ZurMuehlen & Co., Butte
01:51:24 Donovan Kelly, Realtor, Billings

Informational Testimony:

01:52:50 Gene Allison Chief Legal Counsel, Business Services
Division, Department of Labor
01:53:05 Lynn Egan, Deputy Securities Commissioner

Questions from Committee Members and Responses:

01:54:03 Rep. Stoker
01:54:44 Mr. Oppel
01:55:14 Rep. Stoker
01:55:49 Mr. Warr
01:57:08 Rep. Stoker
01:57:12 Mr. Oppel
01:57:26 Rep. Kottel

01:57:53 Mr. Warr
02:00:52 Rep. Gallik
02:01:45 Mr. Ahhmann

Closing by Sponsor:

02:03:35 Rep. Lake

02:07:16 Break
02:22:02 Reconvene

HEARING ON HB 322

Opening Statement by Sponsor:

02:22:10 Rep. John Sinrud (R), HD 67, opened the hearing on HB 322, Clarify legislative entities that can request Attorney General opinions.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:23:30 Rep. Stoker
02:23:40 Rep. Sinrud
02:24:43 Rep. Gallik
02:25:19 Rep. Sinrud
02:26:30 Rep. Kottel
02:26:55 Rep. Sinrud
02:27:18 Rep. Gallik
02:27:36 Rep. Sinrud

Closing by Sponsor:

02:29:35 Rep. Sinrud

HEARING ON HB 397

Opening Statement by Sponsor:

02:30:47 Rep. John Ward (R), HD 84, opened the hearing on HB 397, Expand lien on vehicle to include certain personal property inside vehicle.

Proponents' Testimony:

02:35:18 Bob Gilbert, Montana Tow Truck Association
02:36:08 Casey Collins, A-1 Towing Company
02:37:54 Jim Dusenberry, President, Montana Tow Truck Association

EXHIBIT(juh18a02)

EXHIBIT(juh18a03)

EXHIBIT(juh18a04)

02:42:07 Carl Halcro, Carl's Towing, President Great Falls Tow Truck Association
02:43:29 Bruce Spencer, Montana Automobile Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:45:37 Rep. McGillvray
02:46:15 Mr. Dusenberry
02:47:14 Rep. Koopman
02:47:46 Mr. Dusenberry
02:50:47 Rep. Peterson
02:51:19 Mr. Dusenberry
02:53:56 Rep. Kottel
02:54:40 Mr. Dusenberry
02:55:35 Rep. Rice
02:56:12 Mr. Gilbert
02:56:49 Mr. Spencer
02:58:59 Mr. Dusenberry

Closing by Sponsor:

03:00:53 Rep. Ward

HEARING ON HB 353

Opening Statement by Sponsor:

03:03:01 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 353, Revise recording requirements for electronic search warrants.

Proponents' Testimony:

03:04:56 Mark Murphy, Chief Criminal Deputy, Yellowstone County Attorney

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:08:14 Rep. French
03:08:40 Mr. Murphy
03:10:12 Rep. Kottel
03:10:28 Mr. Murphy
03:12:03 Rep. Peterson
03:12:47 Mr. Murphy
03:13:24 Rep. Gallik
03:14:01 Rep. McGillvray
03:15:08 Rep. Stoker
03:15:30 Mr. Murphy
03:16:22 Rep. Peterson
03:16:59 Mr. Murphy

Closing by Sponsor:

03:18:57 Rep. McGillvray

General Judiciary Committee Business

03:19:38 Chairman Rice
03:20:51 Rep. Gallik
03:21:17 Chairman Rice
03:21:2 Rep. Gallik
03:22:28 Chairman Rice

EXECUTIVE ACTION ON HB 287

03:25:03 **Motion:** Rep. Stoker moved that **HB 287 DO PASS.**

03:25:18 **Discussion:**

03:26:41 **Vote:** Motion that **HB 287 DO PASS** carried
unanimously by roll call vote.

EXECUTIVE ACTION ON HB 384

03:26:47 **Motion:** Rep. Stoker moved that **HB 384 DO PASS.**

03:26:56 **Discussion:**

03:35:45 **Motion:** Rep. Gallik moved that **HB 384 BE AMENDED.**
with a CONCEPTUAL AMENDMENT to add a "severability
clause."

03:37:15 **Discussion:**

03:43:07 **Vote:** Motion that **HB 384 BE AMENDED** failed 4-13 by
roll call vote with Reps. Driscoll, Ebinger, French,
and Gallik voting aye.

03:44:17 **Discussion:**

03:48:07 **Vote:** Motion that **HB 384 DO PASS** carried unanimously
by roll call vote.

EXECUTIVE ACTION ON HB 322

03:49:27 **Motion:** Rep. Stoker moved that **HB 322 DO PASS.**

03:49:40 **Discussion:**

03:51:00 **Vote:** Motion that **HB 322 DO PASS** carried unanimously.

EXECUTIVE ACTION ON HB 162

03:52:22 **Motion:** Rep. Stoker moved that **HB 162 DO PASS.**

03:55:35 **Vote:** Motion that **HB 162 DO PASS** carried 13-4 by roll call vote with Reps. Jore, Kerns, Koopman, and Rice voting no.

03:56:42 Rep. Gallik

03:56:56 Chairman Rice

ADJOURNMENT

Adjournment: 11:57 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh18aad.pdf](#))